

REMARKS/ARGUMENTS

Claims 1 - 20 are pending in the application.

Applicants' independent claims, which are shown by way of example in Figs. 10 – 19 and 23, define an energy attenuation apparatus that comprises a liquid-conveying means in which the apparatus is disposed and which includes three chambers disposed in series, wherein one of the chambers contains no tubes; a tube is disposed in at least one of the other chambers. The relationship between such tube and the inner peripheral surface of the liquid-conveying means is very precisely defined, as is the connection of one end of the tube and the gap at the free end of the tube.

With regard to the terminology used in the claims and specification of the present application, the following comments are offered. First of all, the term “chamber” as used in the present application has a very specific meaning. The term “chamber” is first discussed in detail with regard to the embodiment of Fig. 2, starting on page 7 of the specification, from which it can be clearly seen that the chamber 22 is distinctly different from the tubing T. Throughout the specification of the present application this clear distinction between “chamber” and “tubing” or “conduit” is made (this is also true of the van Ruiten reference, as will be discussed below). For example, on page 7 of the specification of the present application, starting at the end of line 27, the statement is made that “liquid entering the hose means 23 via the tubing T can exit the inlet tube 21a into first the annular space 33 and then part of the remainder of the chamber 22, from where it can flow through further holes 34 into the outlet tube 21b and from there out of the hose means 23 into the right-hand tubing T”. One of ordinary skill in the art would also clearly understand the

distinction between “chamber” and “tubing”. In particular, one of ordinary skill in the art would understand that a “chamber” is not a tubing or conduit. It is respectfully submitted that no other interpretation or understanding would be reasonable. In this connection, the Examiner’s attention is respectfully directed to MPEP section 2111, where at the end of the first paragraph it is stated that the broadest reasonable meaning of words in their ordinary usage is to be applied as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in Applicants’ specification. Furthermore, the beginning of the second paragraph of this section emphasizes that the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. (see also MPEP section 2111.01 II)

With respect to the language that at least one of the chambers contains “no tubes”, it is respectfully submitted that Applicants have not indicated that this term means that the chamber “can be” considered to be empty. In contrast, on page 3 of the specification, line 20, it is stated that the chamber contains no tube i.e. being empty; “i.e.” of course stands for “it is”, in other words, the chamber that contains no tubes is an empty chamber (see also the language on page 14, line 5). It is respectfully submitted that if the chamber is to contain no tube, this clearly suggests or means to one of ordinary skill in the art that the chamber also contains no other attenuation means either. In other words, the chamber is empty of attenuation means, whether they be a tube or some other attenuation means.

Since the Examiner apparently believes that Applicants’ claim definitions are not commensurate with distinguishing comments made with respect to the cited references, Applicants respectfully request a telephone interview with the

undersigned in order to discuss clarifying claim language, for example to clarify that the tubes are disposed in chambers that are connected directly to one another, or via conduits, i.e. the tubing T. In addition, if desired by the Examiner, the “no tube” language could be clarified to indicate that the chamber contains no attenuation means.

With regard to the cited references, it is respectfully submitted that van Ruiten cannot teach or suggest three chambers disposed in series, at least one of which contains no tubes, as required by Applicants' independent claims. Van Ruiten clearly shows and contemplates only two chambers. The fact that neither van Ruiten nor the present application teaches or suggests that the conduit 61 or the tubing T include a chamber is clear from the language of both. For example, in column 5, lines 51 – 54, van Ruiten states that the conduit or tube 61 functions similar to a restriction means by dividing the hose construction 20' into the separate chambers 26' and 27'. Furthermore, at the bottom of column 5, the conduit 61 is characterized as an “interconnecting conduit 61” for interconnecting the hose means or chambers. This distinction between the chambers and conduit 61 continues in column 6, starting at line 43, where it is indicated that the power steering fluid fills the first chamber 43', and then passes through the conduit 61 to fill the second chamber means 27'. From this language, it is clear that one of ordinary skill in the art would not consider the conduit 61 to be or to contain a chamber. Similarly, in the present application, on page 15, starting at line 25, with regard to Fig. 17 it is stated that in the embodiment of the energy attenuation apparatus 20 M, “instead of being separated by restrictors, the chambers 58, 59 and 64 are separated by respective tubing T”. Again, on page 16, with regard to the embodiment of Fig. 18, it is stated that “the first chamber 58 and the second chamber 59 are separated by a tubing T”.

Thus, it is respectfully submitted that the words "chamber" and "tubing" would be understood by one of ordinary skill in the art to be two entirely different features that are not synonymous with one another (MPEP section 2111).

The Cooper reference also cannot teach or suggest three chambers disposed in series, at least one of which contains no tubes. In particular, it is respectfully submitted that one of ordinary skill in the art would not consider that a chamber that contains no tube, i.e. a chamber that is empty, could instead contain a spring. Rather, from the enlightenment of the written description contained in Applicants' specification, one of ordinary skill in the art would understand that a chamber that contains no tubes also contains no other attenuation means.

Enclosed is the substitute disclaimer as requested. This is a substitute terminal disclaimer form and it is believed that no additional fee is required since it replaces the terminal disclaimer form originally filed.

As indicated above, the undersigned respectfully requests a telephone interview with the Examiner to discuss the distinctions between the present invention and the cited references and, if necessary, to formulate clarifying claim language.

Respectfully submitted,



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Attachment – Terminal Disclaimer